IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

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Michelle M. Hanna

Appl. No. To Be Assigned (Div. of Appl. No. 09/984,664; Filed: October 30, 2001)

Filed: Herewith

For: Molecular Detection Systems

Utilizing Reiterative
Oligonucleotide Synthesis

Confirmation No.

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 2072.0010002/LBB/SJE

Information Disclosure Statement

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application

does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- Statement under 37 C.F.R. 1.704(d). Each item of information contained in this \square 1. Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being ፟ 2. filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being □ 3. filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of □ a. information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

□ b.	Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of
	information in this Information Disclosure Statement was cited in a
	communication from a foreign patent office in a counterpart foreign
	application and, to my knowledge after making reasonable inquiry,
	was known to any individual designated in 37 C.F.R. § 1.56(c) more
	than three months prior to the filing of this Information Disclosure
	Statement. 37 C.F.R. § 1.97(e)(2).

□ c.	Attached is our PTO-2038 Credit Card Payment Form [OR] Check No.
	in the amount of \$ in payment of the fee under 37
	C.F.R. § 1.17(p).

- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. ______ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
 - □ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - □ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version

of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- Zopies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/984,664, filed October 30, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Lewe B. Bugush

Lawrence B. Bugaisky Attorney for Applicant

Registration No. 35,086

Date: June 23, 2003

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

SKGF_DC1;135177.1

Page 1 of 11 APPLICATION NO. To Be Assigned (Div. of ATTY. DOCKET NO. 09/984,664; Filed: October 30, 2001) 2072.0010002/LBB/SJE FORM PTO-1449 APPLICANT HANNA, Michelle M. FIRST SUPPLEMENTAL GROUP INFORMATION DISCLOSURE STATEMENT FILING DATE Herewith (June 23, 2003) To Be Assigned U.S. PATENT DOCUMENTS EXAMINER FILING DATE CLASS SUB-DOCUMENT DATE NAME INITIAL CLASS NUMBER 3,996,345 12/1976 Ullman et al. AA1 09/1982 Khanna et al. 4,351,760 AB1 04/1986 Erlich AC1 4,582,788 07/1987 Saiki et al. 4,683,194 AD1 04/1988 Stabinsky 4,739,044 AE1 4,757,141 07/1988 Fung et al. AF1 11/1988 Kramer et al. 4,786,600 AG1 Malek et al. AH1 5,130,238 07/1992 Schuster et al. 12/1992 AI1 5,169,766 Rose et al. 04/1996 AJ1 5,508,178 01/1997 Rose et al. AK1 5,595,891 FOREIGN PATENT DOCUMENTS EXAMINER TRANSLATION COUNTRY CLASS SUB-DATE DOCUMENT INITIAL CLASS NUMBER Yes No AL1 Yes No AM1 Yes No AN1 Yes Νo A01 Yes No AP1 OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Agrawal, S., and Tang, J.-Y., "Site-specific functionalization of oligodeoxynucleotides for non-radioactive labeling," Tetrahedron Lett. 31:1543-AR 1 1546, Pergamon Press (1990) Chamberlin, M.J., "Bacterial DNA-Dependent RNA Polymerases," in *The Enzymes*, Boyer, P.D., ed., Academic Press, New York, N.Y. pp. 61, 84-86 (1982) AS 1 Costas, C., et al., "RNA-protein crosslinking to AMP residues at internal positions in RNA with a new photocrosslinking ATP analog," Nucleic Acids Res. ΑT 1 28:1849-1858, Oxford University Press (May 2000)

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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